

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DAVID LAM,) Case No. CV 12-5828 PSG(JC)
Petitioner,) (PROPOSED)
v.) ORDER ACCEPTING FINDINGS,
MATTHEW CATE,) CONCLUSIONS, AND
Respondent.) RECOMMENDATIONS OF
) UNITED STATES MAGISTRATE
) JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition for Writ of Habeas Corpus by a Person in State Custody (the “Petition”), the Motion to Dismiss the Petition and all documents submitted in conjunction therewith, and all of the records herein, including the attached Report and Recommendation of United States Magistrate Judge (“Report and Recommendation”). The Court approves and accepts the Report and Recommendation.

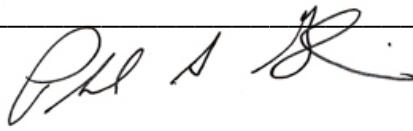
IT IS ORDERED that, as the Petition is “mixed,” and as petitioner has not amended the Petition to delete his unexhausted second, third, and fourth claims by the deadline to file objections to the Report and Recommendation, the Motion to Dismiss is granted, the Petition and this action are dismissed without prejudice and Judgment is to be entered accordingly.

///

1 IT IS FURTHER ORDERED that the Clerk serve copies of this Order, the
2 Judgment and the Report and Recommendation on petitioner and on counsel for
3 respondent.

4 IT IS SO ORDERED.

5 DATED: September 27, 2013



6
7 HONORABLE PHILIP S. GUTIERREZ
8 UNITED STATES DISTRICT JUDGE
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28